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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,875	02/14/2002	Akio Ohba	SCEISZ 3.0-120	9421
530	7590	12/02/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,875

Applicant(s)

OHBA, AKIO

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 and 21-33 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because the abstract ends with a comma [a period is required]. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

- I. As per claims 1, 4, 7, the claimed limitations of “first multimedia content”, “second multimedia content”, “a plurality of mail templates each associated with a respective one of a plurality of portions of second multimedia content data” and “a particular one of the plurality of mail

templates that is associated with a previously played-back portion of the second multimedia content data” are not clearly explained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landress et al. [US Patent Application No 2003/0191816], in view of Hsu et al. [US Patent No 6,295,058].

7. As per claim 1, Landress discloses the invention substantially as claimed including an electronic mail system, comprising:

a first storage unit operable to store first multimedia content data [i.e. promotional messages and images can be stored in database 18] [18, Figure 1; and paragraph 0074];

a second storage unit operable to store a plurality of mail templates [i.e. creative content database] [20, Figure 1; and paragraphs 0066-0068] each associated with a respective one of a plurality of portions of second multimedia content data [i.e. collection of variety of images, video and audio segments] [paragraph 0069]; and

an e-mail message forming unit operable to read out a particular one of the plurality of mail templates that is associated with a previously played-back portion of the second multimedia content data [paragraph 0093-0095], to obtain a portion of the first multimedia content data based on a user selection [i.e. select promotional materials] [paragraphs 0074 and 0107], and to insert the selection portion of the first multimedia content data into an e-mail message [i.e. incorporate image] [paragraphs 0074 and 0108], the selected portion of the first multimedia content data being arranged within the e-mail message according to the specific e-mail message format of the read-out mail template [i.e. playback segments arranged within the template] [Figure 5; paragraphs 0043, 0093-0096].

Landress does not specifically disclose

each including a specific e-mail message format corresponding to that portion of the second multimedia content data; and

Hsu discloses

each including a specific e-mail message format corresponding to that portion of the second multimedia content data [Abstract; col 3, lines 12-23; and col 4, lines 2-19].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Landress and Hsu because Hsu's teaching would allow to provide a variety of formats for users to communicate with each other to enhance communication.

8. As per claim 2, Landress discloses wherein each of the plurality of mail templates includes an associated dialogue screen and an associated plurality of answer options; said electronic mail system includes a controller operable to cause the associated dialogue screen and

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the associated plurality of answer options of the read-out mail template to be displayed on a display, to allow the user to select at least one of the displayed plurality of answer options, and to form answer data based on the selected at least one of the displayed plurality of answer options; and said e-mail message forming unit is operable to insert the answer data within the e-mail message according to the specific e-mail message format of the read-out mail template [i.e. dialogue sub-option] [paragraphs 0029 and 0107].

9. As per claim 3, Landress discloses the multimedia contents data includes data selected from the group consisting of text data, still picture data, motion picture data, and sound data [paragraph 0027].

10. As per claims 4-6, they are method claimed of claims 1-3, they are rejected for similar reasons as stated above in claims 1-3. Furthermore, Landress discloses displaying the first multimedia content data [i.e. displayed a list of promotional materials] [paragraph 0074].

11. As per claims 7-9, they are program product claimed of claims 1-3, they are rejected for similar reasons as stated above in claims 1-3.

12. As per claims 21 and 22, they are rejected for similar reasons as stated above in claims 1 and 2. Furthermore, Landress discloses storage for store situation information describing a status of a video game at a given moment and multimedia content data associated with the video game [i.e. interactive game] [paragraphs 0131, 0132 and 0144].

13. As per claims 23 and 24, they are method claimed of claims 21 and 22, they are rejected for similar reasons as stated above in claims 21 and 22.

14. As per claims 25 and 26, they are program product claimed of claims 21 and 22, they are rejected for similar reasons as stated above in claims 21 and 22.

15. Claims 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landress et al. [US Patent Application No 2003/0191816], in view of Hsu et al. [US Patent No 6,295,058], and further in view of Ohishi et al. [US Patent No 6,137,489].

16. As per claims 27-29, they are rejected for similar reasons as stated above in claims 1 and 2. Furthermore, Landress and Hsu do not specifically disclose obtain location information describing movement of a user; multimedia content data that includes map content and sightseeing content, wherein the portion of the map content including a map associated with a path described by at least part of the location information, the portion of the sightseeing content being associated with at least one location located on the map. Ohishi discloses obtain location information describing movement of a user [i.e. obtain attribute information [geographical information, location]] [Abstract; col 1, lines 64-col 2, lines 14; and col 4, lines 19-27]; multimedia content data that includes map content and sightseeing content [col 3, lines 1-34], wherein the portion of the map content including a map associated with a path described by at least part of the location information [i.e. position (latitude/longitude)] [col 3, lines 54-63], the

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portion of the sightseeing content being associated with at least one location located on the map [col 4, lines 59-col 5, lines 36]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Landress, Hsu and Ohishi because Ohishi's teaching of multimedia content is map content would allow to provide a communication apparatus which enables a user to have a more concrete image of his or her communicating partner [col 1, lines 45-58].

17. As per claims 30 and 31, they are method claimed of claims 27-29, they are rejected for similar reasons as stated above in claims 27-29.

18. As per claims 32 and 33, they are program product claimed of claims 27-29, they are rejected for similar reasons as stated above in claims 27-29.

19. Applicant's arguments with respect to claims 1-9 and 21-33 have been considered but are moot in view of the new ground(s) of rejection.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Supervisory Patent Examiner
Technology Center

Dustin Nguyen
Examiner
Art Unit 2154